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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,192	09/15/2003	Paul Freidlund	2307001USIAP	9366
27542	7590	10/23/2007	EXAMINER	
SAND & SEBOLT			MILLER, BENA B	
AEGIS TOWER, SUITE 1100			ART UNIT	PAPER NUMBER
4940 MUNSON STREET, NW				3725
CANTON, OH 44718-3615				
			MAIL DATE	DELIVERY MODE
			10/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/662,192	FREIDLUND, PAUL
	<b>Examiner</b>	<b>Art Unit</b>
	Bena Miller	3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 21-27 and 31-40 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 21-27 and 31-40 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 15 September 2003 and 06 August 2007 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____.

### DETAILED ACTION

The drawings are objected to because the drawings do not clearly show every feature of the invention specified in the claims. In this instance, the drawings do not clearly show "a back plate secured to the bottom plate and extending orthogonally upwardly away from the bottom plate and **defining a trough** adapted to receive the pair of work pieces therein in a stacked parallel relationship and an alignment member carried by one of the back and bottom plates and **extending into the trough** and having first and second faces offset from each other for aligning the pair of work pieces in an offset relationship and with the grooves in the bottom plate". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and

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informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 22-27 and 31-40 are finally rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claims 22-24, 27, 31 and 34-38, there is lack of antecedent basis for the limitation "the rear plate".

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21, 23-27, 31 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Gibson (US Patent 5,285,832).

The device of Gibson reads on the limitations of the claimed device including a bottom plate (18), a plurality of grooves (fig. 1 and 2) extending through the bottom

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plate, a back plate (2), an alignment member (4, 5; it should be noted that the first and second faces are offset from each other as shown in the figures) extending into the trough; re claim 23, an alignment bar (4, 5); re claim 24, a first adjustment mechanism (4a), re claim 25, a first face (4); re claim 26, a second adjustment mechanism (5a); re claim 27, a first and second adjustment mechanism slot (4b and 5b, respectively) and rod (the attachment [screw] to the mechanism 4a and 5a, respectively); re claim 31, a front plate (11) extending away from the bottom plate.

Claims 21-26 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Pontikas (US Patent 4,809,755).

The device of Pontikas reads on the limitations of the claimed device bottom plate (40), a plurality of grooves (fig. 1) extending through the bottom plate, a back plate (combination of 18 and 20), an alignment member (combination of 22 and 60; it should be noted that the first and second faces are offset from each other as shown in the figures and further, since elements 22 can be adjustable within slots 56, the first and second faces are capable of having an offset relationship) extending into the trough; re claim 22, at least one handle (24); re claim 23, an alignment bar (22); re claim 24, a first adjustment mechanism (60), re claim 25, a first face (60); re claim 26, a second adjustment mechanism (60); re claim 27, a first and second adjustment mechanism slot (fig. 1) and rod (the attachment [screw] to the mechanism 60, respectively) and re claim 38, a post extending outwardly from the plate (58).

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibson.

Gibson teaches most of the limitations of the claimed invention including a guide board (10). However, Gibson fails to teach for at least one marker located on the plate. Hanks teach that it is well known to provide markings on a jig in order to assist woodworkers in the proper alignment of a work piece (col. 3, lines 19-24). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide markings on the device of Gibson for the purpose of assisting woodworkers in the proper alignment of a work piece.

Claims 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pontikas.

Pontikas teaches most of the elements of the claimed invention including the grooves spaced apart a first distance and the post spaced from the first groove a second distance (fig. 1). However, Pontikas fails to teach the first distance and the second distance are equal and the width of the post substantially equal to the diameter of the router bit. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the first distance and the second distance of Pontikas

equal and the width of the post of Pontikas substantially equal to the diameter of the router bit for the purpose of providing a different positions when routing or cutting a work piece.

### ***Response to Arguments***

Applicant's arguments filed 08/23/07 have been fully considered but they are not persuasive. Regarding the rejections under 35 USC 112, 1<sup>st</sup> paragraph, the rejection has been withdrawn. Regarding the rejections under 35 USC 112, 2<sup>nd</sup> paragraph, applicant's attention is directed to the rejections noted above.

Regarding applicant's remarks that Gibson fails to include any structure for aligning a pair of work pieces, specifically a pair of first and second faces offset from each other, it should be noted that applicant does not define any specific structure to the member but rather the first and second faces are offset from each other. As shown in the figures of Gibson and as noted above in the rejection, both elements 4 and 5 are offset from each other and because both are capable of adjustment, they are capable of aligning a pair of work pieces in an offset relationship.

Regarding applicant's remarks to Hanks, the rejections have been withdrawn; therefore, applicant's arguments are moot.

### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bena Miller whose telephone number is 571.272.4427. The examiner can normally be reached on Monday-Friday.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Bena Miller  
Primary Examiner  
Art Unit 3725

bbm  
October 22, 2007